

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION (TR) No. 284 OF 2017

Date : 29.6.2017

Between :

K Balakrishna S/o late Sattaiah
R/o H No. 1-85/1 Chaitanya Nagar
Patancheruvu, Medak district

Petitioner

And

The Commissioner
GHMC
Masab Tank, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Father of the petitioner died while he was working as Pump Operator in Greater Hyderabad Municipal Corporation (GHMC) on 23.4.2009. Petitioner being son of late employee, applied for employment on compassionate grounds. The said request of the petitioner was rejected and same was intimated to the petitioner vide letter dated 8.10.2010. Petitioner was informed in the said letter that on discreet enquiry, it is revealed that there is discrepancy in his date of birth and he has submitted false information about his educational qualifications. Thus, rejection was on the ground of submission of false information. Petitioner submitted representation on 17.2.2011 informing the Commissioner that due to wrong advice given to him, he has erroneously submitted date of birth certificate issued by Gram Panchayat showing his date of birth as 15.1.1985 whereas his date of birth is 15.1.1978 and that he was issued secondary school leaving certificate by the Board of Secondary Education. He also submitted that it was inadvertent mistake and not deliberate and therefore requested to reconsider his application for approval of employment on compassionate grounds, ignoring the earlier date of birth certificate submitted by him. Alleging inaction on the representation submitted for reconsideration, petitioner filed O.A No. 6685 of 2012 before the A P Administrative Tribunal (for short Tribunal). The said O.A was disposed of by order dated 24.8.2012. The Tribunal has not interfered with the decision earlier communicated and directed to examine the representation of the petitioner dated 7.5.2012 and to pass appropriate orders by virtue of G O Rt No. 76 dated 27.1.1999. Consequent to the directions issued by the Tribunal, decision was taken and same was communicated to the petitioner vide letter dated 12.12.2012, rejecting the request of the petitioner. Aggrieved thereby, O.A No. 1091 of 2013 was filed and same is transferred to this Court.

2. Learned counsel for petitioner submitted that due to wrong advice, date of birth certificate issued by the Gram Panchayat was submitted. Petitioner was advised by his family members at that stage that since he failed in 10th class, if he submits 10th fail certificate, he would not be considered for employment, therefore he was advised to secure birth certificate from Gram Panchayat and to submit the same. He therefore sought to contend that it was only inadvertent mistake due to wrong advice given at that point of time and was not deliberate and intentional and family is still in destitute circumstances and employment is required and unless employment is provided to the petitioner, grave prejudice would be caused to the family.

3. The issue for consideration is, whether rejection of the request of the petitioner is on erroneous grounds and whether claim of the petitioner for provision of employment is valid ?

4. It is seen from the record that the rejection of the petitioner's claim for provision of employment on compassionate grounds is not on the ground that petitioner is not entitled or that petitioner is not qualified and rejected on that ground; petitioner made a misleading statement and gave a false declaration of his date of birth, therefore on the ground of submission of false information and discrepancy in the date of birth, his claim was rejected. This decision of the Additional Commissioner of Municipal Corporation dated 8.10.2010 has become final. In O.A No. 6685 of 2012, petitioner did not assail the decision communicated to him in the year 2010. The prayer sought itself was to consider his case for compassionate appointment to any suitable post as per G.O.Rt No. 76 MA dated 27.1.1999. The Tribunal passed orders, taking note of the prayer sought and directed consideration of the claim of the petitioner as per the representation submitted by him and in accordance with G.O.Rt No. 76 dated 27.1.1999. The claim is rejected by the order impugned in the O.A. The said rejection is on the ground that G.O. Rt No. 76 has no application as it was not a

case of employee retiring on medical invalidation grounds but it was a case of death. Since petitioner invited such a direction from the Tribunal, it cannot be said that the rejection of the petitioner's claim on the ground that G.O.Rt No. 76 is not attracted, cannot be faulted.

5. Thus, issue reverts back to the original position of rejection of his claim in the year 2010. It is seen from the material on record that the petitioner passed SSC in the year 2009 and he was issued certificate on 27.5.2009. This certificate was available to the petitioner when he applied for provision of employment on compassionate grounds. Strangely, without producing this certificate in support of his educational qualification as well as date of birth, petitioner obtained certificate from the Gram Panchayat with reference to his date of birth and submitted the same. The date of birth as disclosed by the Gram Panchayat is different from the date of birth as entered in the school records and in SSC certificate. This was pointed out by the municipal corporation while rejecting his request. Thus, as rejection of request was on the ground of misrepresentation and submission of false documents, it cannot be said the rejection is erroneous. It is also appropriate to note that in O.A., petitioner contends that SSC certificate is misplaced. Be that as it may, rejection order passed in the year 2010 has become final long ago, and therefore, no direction can be granted at this stage.

6. Writ Petition merits no consideration, therefore dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:29.06.2017
TVK

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